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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,548	12/17/2003	Nokihisa Adachi	428291/0023	8346
7590	07/27/2005			
Lawrence Rosenthal Stroock & Stroock & Lavan LLP 180 Maiden Lane New York, NY 10038				EXAMINER YAN, REN LUO
				ART UNIT 2854
				PAPER NUMBER

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/738,548	ADACHI, NOKIHISA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ren L. Yan	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 07 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 13 is/are allowed.
- 6) Claim(s) 1-3,5-10 and 12 is/are rejected.
- 7) Claim(s) 4 and 11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1-24-2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

Applicant is advised that the Notice of Allowance mailed on 3-21-2005 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Prosecution on the merits of this application is reopened on claims 1-12 considered unpatentable for the reasons indicated below:

Claims 4 and 7 are objected for the following reasons:

In claim 4, line 5, the recitation of “said diluting liquid supply means” lacks proper antecedent basis. Perhaps claim 4 should depend upon claim 3 so as to avoid this problem.

In claim 7, lines 1 and 2, the recitation of “said diluting liquid supply means” lacks proper antecedent basis. Perhaps claim 7 should also depend upon claim 3 so as to avoid this problem.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7/3, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yano et al(5,003,877). The patent to Yano et al teaches the structure of a printing machine as claimed including an ink reservoir 2, an ink supply source 14, one or more ink delivery tubings 6 and 12 each connecting the ink reservoir to the ink supply source, whereby the ink supplied from the ink supply source via at least one of the ink delivery tubings to the ink reservoir and accumulated therein is used for printing. The printing machine of Yano et al further includes one or more ink removing means 4-6 for removing the ink remaining in the ink delivery tubings. Each of the ink removing means includes respective air supply means(pump 4) that supply a sufficient air flow into the ink delivery tubing after the ink in the reservoir being sucked back into the ink supply source to force the ink remaining on the inner surface of the ink delivery tubing to flow towards the ink supply source. With respect to claims 3, 7 and 10, Yano et al further teaches the structure and method for providing a diluting liquid supply(solvent) means(21,22) that supply liquid in the ink delivery tubing via diluting liquid tubings connected in fluid communication with the ink delivery tubings such that the liquid flows towards the ink supply source from the ink reservoir in order to dilute the ink remaining therein. With respect to claim 8, since both the ink supply source and the ink reservoir are connected by ink delivery tubings 6 and 12, these tubings are well capable to being used to serve as ink supply tubings and ink recovery tubings. See Figs. 1-3 and column 5, line 29 through column 6, line 32 in Yano et al for details.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 9-234852. The '852 patent teaches the structure of an apparatus for recovering ink remaining in an ink delivery tubing connecting an ink reservoir to an ink supply source 3 as claimed including an air

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supply means(pump 5) that supplies a fast enough rate and strong enough flow volume of air into the ink delivery tubing such that the air flows toward the ink supply source in the direction away from the ink reservoir in order to remove ink remaining on the inner surface of the ink delivery tubing. This happens after the ink in the reservoir has been sucked back into the ink supply source 3 and the end of the tubing is exposed to open air while the pump 5 is running in a reverse(suction) direction.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 6/1, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al in view of JP 9-234852. With respect to claims 2, 5 and 6/1, the patent to Yano et al teaches all that is claimed except for the ink transfer means transferring ink via the ink delivery tubings before and during the printing operation and moving air in the same ink delivery tubings after a printing operation has finished. JP 9-234852 teaches in a printing machine using ink delivery tubings 6 for transferring ink from the ink source 3 to the ink reservoir before and during the printing operation and after the printing operation is finished, for sucking the ink from the ink reservoir back to the ink source and moving air in the ink delivery tubings. The pump 5 and air supply tubing 28 connected to be in fluid communication with the ink delivery tubings disposed adjacent to the ink supply source 3 for sucking air down from the ink delivery tubings to remove ink remaining on the inner surface of the tubing. See abstract and Figs. 1 and 2 in JP

9-234852 for example. It would have been obvious to those having ordinary skill in the art to provide the ink delivery tubings of Yano et al with the capability of being used both for transferring ink from the ink source to the ink reservoir and from the ink reservoir back to the ink source along with appropriate air supply means as taught by JP 9-234852 so as to facilitate the ink transferring operation of the printing machine. With respect to claim 9, Yano et al teach all that is claimed including the ink roller, ink squeezing member and the dam plates disposed at the ends of the inking roller and ink squeezing member. However, Yano et al does not teach a driving means for moving the opening ends of the ink delivery tubings adjacent to the ink reservoir along the axis of the inking roller. JP 9-234852 teach in Fig. 1 a driving means 93-96 for moving the opening end of the ink delivery tubing adjacent to the ink reservoir along the axis of the inking roller. In view of the teaching of JP 9-234852, it would have been obvious to one of ordinary skill in the art to provide the printing machine of Yano et al with the driving means appropriately disposed to move the ends of the tubings along the axis of the inking roller in order to achieve uniform ink distribution in the ink reservoir.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, providing the dependency of claim is changed to depend upon claim 3.

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 13 is allowed.

The following is an examiner's statement indicating allowable subject matter:

With respect to claims 4 and 11, the prior art of record does not teach the structure and step to detect the viscosity of the ink being removed from the ink delivery tubings and to adjust the amount of diluting liquid supplied by the diluting liquid supply means in response to the viscosity detected in combination with the rest of the recited structural elements and method steps.

With respect to claim 13, the overall combination steps of a preparation method for changing printing color as claimed including particularly the steps of using all of the ink delivery tubings to recover ink from the ink reservoir and return it back to the ink supply source, while at the same time rotating the ink roller so that remaining ink in the ink reservoir is recovered and returned back to the ink supply source and supplying diluting liquid onto the surface of the ink roller, thereby removing or rinsing our the ink from the surface thereof are not taught by the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L. Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ren L Yan  
Primary Examiner  
Art Unit 2854

Ren Yan  
June 22, 2005